



**United States Environmental Protection Agency**

**Region I**

**5 Post Office Square, Suite 100  
Boston, MA 02109-3912**

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

**[Final]**

**JUN 11 2014**

Ms. Polly Beaird, Vice President of Operations  
Nashua Corporation (A Cenvo Company)  
59 Daniel Webster Highway  
Merrimack, NH 03054

**Re: NOTICE OF VIOLATION** of the Resource Conservation and Recovery Act ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, and the State of New Hampshire Department of Environmental Services, New Hampshire Code of Administrative Rules (Chapter Env-Hw 100 through 1114.04)

Dear Ms. Beaird:

On April 22-23, 2014, the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection at ("Nashua Corp" or the "Facility") in Merrimack, New Hampshire. The purpose of this inspection was to determine the compliance of Nashua Corp (EPA ID No. NHD000769869) with the State of New Hampshire Department of Environmental Services (NHDES), New Hampshire Code of Administrative Rules (Chapter Env-Hw 100 through 1114.04), and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The State of New Hampshire has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the NHDES Rules and the RCRA regulations, promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

**1. Failure to determine if waste is a hazardous waste, in accordance with NHHWR Env-Hw 502.01.**

Specifically, at the time of the inspection, EPA observed the following containers within the building known as the "Red House," in the "MP Area/Roll Storage and Slitting Area," and in the Facility's main hazardous waste storage area (HWSA) that had not undergone adequate hazardous waste determinations:

a. Red House Containers of Unwanted Commercial Chemical Product:

In the vicinity of the universal waste storage area of the Red House, EPA observed numerous containers, boxes and bags of commercial chemical product situated along an inside wall. These items were located either directly on the floor of the building or on wooden pallets. According to Messrs. Cardin and Theriault, this material corresponds to facility-wide unwanted chemical inventory and that Nashua Corp was planning on having Tradebe Environmental Services remove this inventory when the solvent-coating decommissioning was completed in the summer/fall of 2014. The containers were also dust covered and many of the cardboard boxes and bags were damaged and compromised indicating that they had been in storage for quite some time.

Some of the containers of unwanted, commercial chemical product observed by EPA are as follows:

1. Two 55-gallon drums labeled "glycol ether EP, combustible liquid;"
2. Two 33-gallon fiber drums labeled "Lytron 2203 Synthetic Liquid by OMNOVA Solutions, LLC;"
3. Seven 20-gallon container labeled "Bixby International Corp., Trial RN Start-up Blends;"
4. One 5-gallon container labeled "Chemical Resources Corp., Prodo Protective Coating for metals, Caution: Contains Petroleum Distillates;"
5. One 1/2-gallon container labeled "Kingsford Odorless Lighter Fluid;"
6. One 1-gallon container of "Part A Resin Component;"
7. One 1-gallon container of Part B Resin Component epoxy;
8. One full unlabeled quart of material;
9. One quart and on gallon of "Minwax Wood Finish, Danger: combustible;"
10. One 1-gallon container of "Contact Cement;" and
11. Several 2 ft. x 2 ft. x 2 ft. cardboard boxes labeled "H. B. Fuller Company Hot Melt Adhesive;"

b. MP Area/Roll Storage and Slitting Area:

EPA observed a dust collection system connected to a 55-gallon cardboard container which, according to Mr. Cardin, contained particulate/dust rubber generated from the various paper machines. EPA inquired if the Facility ever conducted a hazardous waste determination on this waste stream and Mr. Cardin indicated that it had not, but that he would check the rubber material safety and data sheet (MSDS). Mr. Cardin subsequently informed EPA that he did not have an MSDS for the material;

c. HWSA/Color Room #7:

This room contained both chemical inventory and containers of hazardous waste. EPA observed two 55-gallon drums on a wooden pallet situated amongst containers of chemical inventory, along the left side of the room. The drums were labeled as:

- i. "Resin Do Not Inventory" (on a separate sheet adhered to the side of the drum) and "Kao-Specialties Americas, Farmin DM-209, corrosive, dimethyldecylamine, DOT proper shipping name: amines, liquid, corrosive, n.o.s., alkyl(C12-C14) dimethylamine;" and
- ii. "Rohm and Haas, ROCYL 320 lauryl methacrylate 100 ppm HQ."

According to Mr. Cardin, this material corresponds to some chemical inventory that was once used in a laboratory trail. The Facility did not have a current use for this material.



**2. Failure to ensure that hazardous waste labels are not hidden by wall or other containers, as required by NHHWR Env-Hw 507.03(a)(2).**

Specifically, at the time of the inspection the following hazardous waste labels were not visible:

HWSA/Color Room #7:

Upon entering Color Room #7, EPA observed seven 55-gallon drums of waste located on wooden pallets, in the corner, to the right of the room access door. The containers were labeled, dated and closed, and contained (per their labeling) the following:

- a. Six 55-gallon drums of "hazardous waste, waste flammable liquid, n.o.s., toluene, ethyl acetate, F005, D001, 4/10/14;" and
- b. One 55-gallon drum of "state regulated oil waste, NH01, MA01, 1/11/14."

The two 55-gallon drums closest to the wall of the Color Room #7 contained toluene and ethyl acetate hazardous wastes as described in item a, above. The labels were placed on the sides of the drums facing the wall and the drums were placed very close to that wall. The labels on these drums were inaccessible to the inspection team. Mr. Cardin had to turn the drums in order to allow access for inspection.

**3. Failure to demonstrate the length of time that the waste has been accumulated from the date it became a waste or is received from another handler by marking the earliest date any universal waste is placed in a container, marking or labeling each individual item of universal waste, maintaining an inventory which identifies the earliest date any universal waste became a waste or was received; placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received, or any other method that clearly demonstrates the length of time that the universal waste has been accumulated, as required by Env-Hw 1102.04(a)(2):**

Specifically, at the time of the inspection, EPA observed the following undated universal waste lead/acid batteries:

Universal Waste Storage Area located in the Red House:

EPA observed two intact, lead/acid batteries that were unlabeled. Additionally, there were two open boxes adjacent to these batteries that contained smaller lead/acid batteries (one battery per box). These batteries and/or their boxes (if applicable) were also undated.

**4. Failure to appropriately label universal waste batteries with one of the following phrases: "Universal Waste-Battery (ies);", "Waste Battery (ies);", or "Used Battery (ies)", as required by Env-Hw 1109.04(a)-(c).**

Specifically, at the time of the inspection, EPA observed the following unlabeled universal waste lead/acid batteries:



Universal Waste Storage Area located in the Red House:

EPA observed two intact, lead/acid batteries that were unlabeled. There were two open boxes, adjacent to these batteries that contained smaller lead/acid batteries (one battery per box). These batteries and/or their boxes (if applicable) were unlabeled.

- 5. Failure to ensure that satellite accumulation area containers are located at or near the point of waste generation and under the control of the operator of the process generating the waste, as required by New Hampshire Hazardous Waste Rule Env-Hw 509.03.**

Resin Laboratory Satellite Accumulation Area (SAA):

There are two separate, diagonally spaced, labs separated by a corridor. One lab is referred to as the Resin Lab. The other lab is referred to as the Test Lab. Both labs share one SAA located in the Test Lab. The SAA consisted of one 3-gallon, red safety can that was labeled "hazardous waste, RQ waste, flammable liquid, n.o.s., toluene, ethyl acetate, 3, UN1993, PG II." According to Mr. Cardin, the waste in this drum is generated at a very slow and small amount, and this container has been in use for approximately four years without becoming full. Mr. Cardin also indicated that the same operator (Mr. Jason LaLonde) works in both the Test and Resin Labs, and that this SAA will soon no longer be in use after the complete decommissioning of the solvent coating process. Nevertheless, at the time of the inspection, the SAA requirement of having a container at or near the point of generation was not being met for the Resin Lab.

- 6. Failure to post a list of steps to take if an emergency occurs at the nearest telephone to each hazardous waste storage area which provides the telephone numbers of emergency coordinators, the fire and police departments, hospital, state of New Hampshire and local emergency response teams, the location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms, as required by Env-Hw 509.02(b).**

HWSA Emergency Posting (taken directly from the Facility's contingency plan):

The HWSA had an emergency posting at the door and at the nearby telephone. Section 3.2.2 of the contingency plan states that "if reporting to the NRC [National Response Center] is not possible, reports also can be made to the EPA Regional Office or the U.S. Coast Guard Marine Safety Office." However, the phone numbers of these agencies were not provided on the HWSA emergency postings.

**Nashua Corp is hereby required to:**

**Immediately upon receipt of this NOTICE:**

1. Conduct hazardous waste determinations, in accordance with NHHWR Env-Hw 502.01;
2. Ensure that hazardous waste labels are not hidden by wall or other containers, as required by NHHWR Env-Hw 507.03(a) (2);
3. Demonstrate the length of time that the waste has been accumulated from the date it became a waste or is received from another handler by marking the earliest date any universal waste is placed in a container, marking or labeling each individual item of universal waste, maintaining an inventory which identifies the earliest date any universal waste became a waste or was received; placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was

received, or any other method that clearly demonstrates the length of time that the universal waste has been accumulated, as required by Env-Hw 1102.04(a)(2);

4. Ensure that universal waste batteries are labeled with one of the following phrases: "Universal Waste-Battery (ies);", "Waste Battery (ies);", or "Used Battery (ies)", as required by Env-Hw 1109.04(a)-(c);
5. Ensure that satellite accumulation area containers are located at or near the point of waste generation and under the control of the operator of the process generating the waste, as required by New Hampshire Hazardous Waste Rule Env-Hw 509.03; and
6. Post a list of steps to take if an emergency occurs at the nearest telephone to each hazardous waste storage area which provides the telephone numbers of emergency coordinators, the fire and police departments, hospital, state of New Hampshire and local emergency response teams, the location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms, as required by Env-Hw 509.02(b).

**Within 30 days of receipt of this NOTICE:**

Nashua Corp is required to submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations.

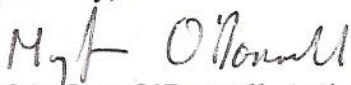
Your response to this NOTICE should specifically describe corrective actions undertaken to address each violation, and may include any supporting documentation to substantiate the actions taken to correct the aforementioned violations. Your response may reference the inventory of the Red House commercial chemical products and the two 55-gallon drums in the hazardous waste storage area transmitted to EPA via email dated May 2, 2014.

Information submitted in accordance with this NOTICE should be sent to the following address:

Ms. Susann D. Nachmann, Environmental Engineer  
US EPA Region 1 Office of Environmental Stewardship  
RCRA, EPCRA and Federal Programs Unit (OES05-1)  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

Failure to correct the violations, as required by this NOTICE may subject Nashua Corp to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann of my staff at (617) 918-1871.

Sincerely,

  
Mary Jane O'Donnell, Acting Manager  
RCRA, EPCRA and Federal Programs Unit

cc: John Duclos, NHDES  
Susann D. Nachmann, EPA  
RCRA file